



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,775	05/26/2006	John B. Davidson	742/295	7129

757 7590 01/11/2007
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER

THOMAS, DAVID B

ART UNIT	PAPER NUMBER
----------	--------------

3723

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/580,775

Applicant(s)

DAVIDSON, JOHN B.

Examiner

David B. Thomas

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/3/06.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7-10, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by White (3,575,069).

White discloses the structural elements as claimed.

3. Claims 1-5, 7-10, 12, 16, 18, 19, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Blank (4,054,067).

Blank discloses the structural elements as claimed.

4. Claims 1-5, 7-10, 12, 16, 18, 19, 23, and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang (US 2003/0131692 A1).

Huang discloses the structural elements as claimed

5. Claims 1-5, 7-10, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by the prior art of Fig. 1, as referenced in Shu-Sui et al. (7,082,860).

The prior art Fig. 1 in Shu-Sui et al. discloses the structural elements as claimed.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over White, as applied to claims 1-5, 7-10, and 14 above, as being obvious to one having ordinary skill in the art to select a particular material, or materials, in the construction of the wrench.

8. Claims 13, 17, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blank or Huang, as applied above, respectively, as being obvious to one having ordinary skill in the art to select a particular material, or materials, in the construction of the wrench.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over White, Blank, or Huang, as applied above, respectively, as being obvious in view of Myers (3,823,625) to use an inwardly facing abutment surface instead of an outwardly facing one, the mere reversal of parts having been held to involve only routine skill in the art. *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955).

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over White, as applied to claims 1-5, 7-10, and 14 above, as being obvious in view of Matsubara et al. (5,596,913) to use non-toothed ratchets such as rollers or other types of ratcheting mechanisms.

11. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blank or Huang, as applied above, respectively, as being obvious in view of Matsubara et al. to use non-toothed ratchets such as rollers or other types of ratcheting mechanisms.

Art Unit: 3723

12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over White, as applied above, as being obvious in view of Roberts et al. (6,182,536) or Chiu (US 2003/0121371 A1) to provide a quick release mechanism for the drive stud of the wrench.

13. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blank or Huang, as applied above, respectively, as being obvious in view of Roberts et al. or Chiu to provide a quick release mechanism for the drive stud of the wrench.

14. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over White, Blank, or Huang, as applied above, respectively, as being obvious in view of Wright (3,824,881) to use a ratchet type screwdriver as the second ratchet wrench.

Conclusion

15. The remaining prior art made of record but not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Thomas whose telephone number is (571) 272-4497. The examiner can normally be reached on Mon-Fri 8am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

Art Unit: 3723

access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

dbt



David B. Thomas
Primary Examiner
Art Unit 3723